

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Charles D. Young,

Plaintiff,

v.

Case No. 09-13679

Karl Petrich, *et al.*,

Honorable Sean F. Cox

Defendants.

**ORDER STRIKING BRIEFS AND ORDERING BRIEFING IN COMPLIANCE WITH
LOCAL RULES AND THIS COURT'S PRACTICE GUIDELINES**

Plaintiff filed this § 1983 action against the following three Defendants on September 16, 2009: 1) Karl Petrich ("Petrich"), individually and in his official capacity as Flint Police Officer; 2) Randolph Tolbert ("Tolbert"), individually and in his official capacity as Flint Police Officer; and 3) the City of Flint ("The City"). Plaintiff filed his First Amended Complaint on October 14, 2009.

Following the close of discovery, each of the three Defendants filed a separate Motion for Summary Judgment, pursuant to FED. R. CIV. P. 56(c).

This Court's written practice guidelines for motions for summary judgment are included in the Scheduling Order in this matter (Docket Entry No. 18 at 1-3) and provide, in pertinent part, that:

- a. The moving party's papers shall include a separate document entitled Statement of Material Facts Not in Dispute. The statement shall list in separately numbered paragraphs concise statements of each undisputed material fact, supported by appropriate citations to the record. . .

b. In response, the opposing party shall file a separate document entitled Counter-Statement of Disputed Facts. The counter-statement shall list in separately numbered paragraphs following the order of the movant's statement, whether each of the facts asserted by the moving party is admitted or denied and shall also be supported by appropriate citations to the record. The Counter-Statement shall also include, in a separate section, a list of each issue of material fact as to which it is contended there is a genuine issue for trial.

c. All material facts as set forth in the Statement of Material Facts Not in Dispute shall be deemed admitted unless controverted in the Counter-Statement of Disputed Facts.

Defendant Petrich filed his Motion for Summary Judgment (Docket Entry No. 25) on June 9, 2010. In compliance with this Court's practice guidelines, Defendant Petrich also filed a "Statement of Material Facts Not in Dispute" on June 9, 2010 (Docket Entry No. 26).

Defendant Tolbert filed his Motion for Summary Judgment (Docket Entry No. 24) on June 9, 2010. In compliance with this Court's practice guidelines, Defendant Tolbert also filed a "Statement of Material Facts Not in Dispute" (Docket Entry No. 27).

The City filed its Motion for Summary Judgment on June 10, 2010 (Docket Entry No. 28). In compliance with this Court's practice guidelines, the City also filed a "Statement of Material Facts Not in Dispute" (Docket Entry No. 29).

Plaintiff filed a combined response brief, purportedly responding to all three motions. Plaintiff's response brief contains numerous statements of fact that include no citations to the record. Moreover, Plaintiff did not comply with this Court's practice guidelines in that he did not respond to any of the Defendant's Statements of Material Facts Not in Dispute.

Following Plaintiff's response, the Defendants filed reply briefs. In violation of the Local Rules, those reply briefs are in excess of five pages.

Accordingly, the Court hereby ORDERS that Plaintiff's Response Brief (Docket Entry

No. 32) is STRICKEN from the record for failure to comply with the Local Rules and this Court's practice guidelines. Within fourteen (14) days of this Order, Plaintiff shall file:

- 1) A written response to Defendant Petrich's Motion for Summary Judgment, along with a Counter-Statement of Material Facts Not in Dispute that complies with this Court's practice guidelines;
- 2) A written response to Defendant Tolbert's Motion for Summary Judgment, along with a Counter-Statement of Material Facts Not in Dispute that complies with this Court's practice guidelines; and
- 3) A written response to the City's Motion for Summary Judgment, along with a Counter-Statement of Material Facts Not in Dispute that complies with this Court's practice guidelines.

IT IS FURTHER ORDERED that Defendants' Reply Briefs (Docket Entries No. 36 & 37) are hereby STRICKEN from the record. Each Defendant may file a Reply Brief of no more than five (5) pages within fourteen (14) days of Plaintiff's Response Brief.

IT IS FURTHER ORDERED that the hearing set for August 19, 2010 is adjourned to **October 14, 2010 at 3:00 p.m.**, and that the final final pretrial conference is adjourned without date.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: August 10, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 10, 2010, by electronic and/or ordinary mail.

S/Jennifer Hernandez
Case Manager